

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 10-00027-03-CR-W-ODS
)	
WOODROW McCOY,)	
)	
Defendant.)	

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DENYING DEFENDANT'S MOTION TO SUPPRESS IDENTIFICATION**

On September 28, 2011, the Honorable Robert E. Larsen, Chief United States Magistrate Judge for the Western District of Missouri, issued his Report and Recommendation recommending that Defendant's Motion to Suppress Identification Testimony be denied. Neither party filed objections to the Report and Recommendation, and the time for doing so has passed. 28 U.S.C. § 636(b)(1)(C); Local Rule 74.1(a)(2). The Court has also reviewed the Transcript of the proceedings held before Judge Larsen on April 5, June 29, and August 14, as well as the documentary evidence submitted during those hearings. In light of the evidence in the Record and the lack of an objection from either party, and for the reasons stated in the Report, the Court agrees with the Report's conclusion that the presentation of a single-photo array was impermissibly suggestive but there was no likelihood of misidentification. The Motion to Suppress is denied.

IT IS SO ORDERED.

DATE: October 18, 2011

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT